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APPLICATION NUMBER 1	FILING DATE 01	ELNABAR FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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HM12/0620

EXAMINER

HIGEL, F

ART UNIT PAPER NUMBER

1626

DATE MAILED: 06/20/01

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on _____

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1 TO 13/ is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
☐ Claim(s) _____ is/are allowed.
☒ Claim(s) 1 TO 13/ is/are rejected.
☐ Claim(s) _____ is/are objected to.
☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number) _____
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, 3, 4
☐ Interview Summary, PTO-413
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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Receipt is acknowledged of the information disclosure statements filed April 13, 2000, August 21, 2000, and February 1, 2001, which have been entered in the file.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 to 131 are rejected under 35 U.S.A. 112, second paragraph, for failing to properly define the invention. The terms and expression, "and/or", "oxidizing", and is oxidized" render the claims indefinite by placing no definite limits or boundaries on the claims.

Claims 1 to 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers I or II or Paterson I or III or Wolf et al or Waugh et al III or Cole or Girard et al I or II or Pazig or Lee et al or Bhatlachare (WO 97-43264), or Jolles, all cited by applicants .

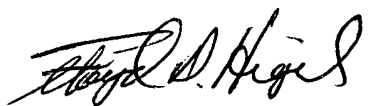
The references disclose the N-halogenation of compounds having at least one N-halogenatable amide or imido nitrogen by reacting such a compound with a halogenating agent in

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the presence of an inorganic base and water co please note for Example page 1, the right hand column, lines 6 to 60 page 2, lines 1 to 15, and Examples 1 to 4, and 8 of Rogers I, the paragraph bridging the left and right hand column on page 2 of Rogers II; Examples 1 to 4 of Paterson et al I; Examples I to II of Wolf et al; Examples 1 to 16 and column 6, line 48 to column 7, line 4 of Wough et al; Examples 1 to 12 of Paterson et al III; Examples three, six, seven, and eight of Girard et al I; Examples I to IV of Cole; Examples one, two, three, six, seven, and eight of Girard et al II; Example 1 of Puzig; column 4, line 66 to column 6, line 5; column 7, line 12 to column 8, line 51, and Examples I to IV of Lee et al; page 8, line 22 to page 10, line 19 and Example 7 of bhattacharya; and page 305 of Jolles. It would be oboious to N-halogenate compounds having a haligenatable omide or imido ructrogen by the method of the references and determining the optimum conditions for reaction absent any showing of any ^uobvious or unexpected results since only the expected products are obtained.

Higel/dt

June 19, 2001


FLOYD D. HIGEL
PATENT PRIMARY EXAMINER
ART UNIT ~~129~~/626

